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Technology Bank for the Least Developed Countries

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the draft Charter of the Technology Bank for the Least Developed Countries prepared by the Governing Council of the Technology Bank in accordance with paragraph 99 of the annex to Assembly resolution 70/294.

* A/71/150.

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Charter of the Technology Bank for the Least Developed Countries

Article 1
Establishment

(a) The Technology Bank for the Least Developed Countries (hereinafter referred to as the Technology Bank) shall be an organ of the General Assembly of the United Nations;

(b) The headquarters of the Technology Bank shall be located in Gebze, Turkey.

Article 2
Objectives

The objectives of the Technology Bank shall be:

(a) To strengthen the science, technology and innovation capacity of least developed countries, including the capacity to identify, absorb, develop, integrate and scale up the deployment of technologies and innovations, including indigenous ones, as well as the capacity to address and manage intellectual property rights issues;

(b) To promote the development and implementation of national and regional science, technology and innovation strategies;

(c) To strengthen partnerships among science, technology and innovation-related public entities and with the private sector;

(d) To promote cooperation among all stakeholders involved in science, technology and innovation, including researchers, research institutions and public and private sector entities, within and between least developed countries, as well as with their counterparts in other countries;

(e) To promote and facilitate the identification and utilization of and access to appropriate technologies by the least developed countries, as well as their transfer to the least developed countries, while respecting intellectual property rights and fostering the national and regional capacity of the least developed countries for the effective utilization of technology in order to bring about transformative change.

Article 3
Beneficiaries

(a) The beneficiaries of the activities of the Technology Bank are all the least developed countries as designated by the United Nations;

(b) Any least developed country that graduates from the least developed country category by decision of the General Assembly shall remain a beneficiary of the activities of the Technology Bank for a period of at least five years after the date of graduation.

Article 4
Organization

(a) The Technology Bank shall consist of:

(i) A Council, which shall serve as the governing body of the Technology Bank;

(ii) A Managing Director, who shall be responsible to the Council for the direction, administration, programming and coordination of the Technology Bank;

(iii) A Science, Technology and Innovation Supporting and Enabling Mechanism and an Intellectual Property Bank, as operational units, assisted by a Management Support, Partnerships and Coordination Unit;

(b) Science, technology and innovation regional centres for least developed countries in Africa and Asia can be established on the basis of voluntary contributions and if so decided by the Council;

(c) In order to accomplish its objectives and activities, the Technology Bank may cooperate with relevant organizations, institutions and individuals in various parts of the world, by contractual or other arrangements.

Article 5
Council

(a) The Council of the Technology Bank shall have 13 members who are experts in science, technology and innovation as well as development cooperation matters;

(b) The Secretary-General of the United Nations shall appoint the 13 expert members, with adequate presence of experts from least developed countries, who shall serve in their individual capacity. Among the 13 members, there shall be a member who is appointed with the concurrence of the host country and a member who represents the Secretary-General;

(c) Members of the Council shall normally be appointed for a term of office of three years and can be reappointed. The Council shall be consulted in regard to the replacement of retiring members;

(d) The Managing Director of the Technology Bank shall participate in the meetings of the Council in the capacity of chief administrative officer of the Technology Bank;

(e) Representatives of the Secretary-General of the United Nations Conference on Trade and Development, the Administrator of the United Nations Development Programme, the Director-General of the United Nations Educational, Scientific and Cultural Organization, the President of the World Bank and the Director General of the World Intellectual Property Organization shall have a standing invitation to participate as observers in the meetings of the Council;

(f) The Council, in consultation with the Managing Director, may invite representatives of other United Nations organs and agencies and other relevant international and regional organizations, science, technology and innovation

institutions, and non-governmental entities concerned, including from the academic, research and private sectors, to attend as observers;

(g) The Council shall:

(i) Consider and approve the multi-year strategic plan, the annual work programme, operational principles, policies and guidelines and the budget of the Technology Bank on the basis of proposals submitted to it by the Managing Director, with particular regard to the need to ensure effectiveness, avoid duplication of effort and promote cooperation with existing science, technology and innovation initiatives;

(ii) Consult with governmental and non-governmental science, technology and innovation experts on the activities of the Technology Bank;

(iii) Adopt such decisions and take measures as may be necessary for the effective functioning of the Technology Bank;

(iv) Consider reports of the Managing Director on the activities of the Technology Bank and on the execution of its work programme and strategic plan;

(v) Report annually to the General Assembly through the Secretary-General of the United Nations on the work of the Technology Bank;

(vi) Create such subsidiary bodies as it deems necessary, including science, technology and innovation regional centres for least developed countries;

(h) The Council shall elect its Chairperson and other officers and shall adopt rules of procedure, including procedures for convening special sessions as necessary;

(i) The Council shall meet at least once a year and shall be convened by the Managing Director in consultation with the Chairperson of the Council, with the exception of the first meeting, which shall be convened by the Managing Director.

Article 6
Managing Director

(a) The Managing Director of the Technology Bank shall be appointed by the Secretary-General of the United Nations in consultation with the Council;

(b) The Managing Director shall be appointed for two years and shall be eligible for reappointment. The conditions of service of the Managing Director shall be determined by the Council in consultation with the Secretary-General of the United Nations;

(c) The Managing Director shall be the chief administrative officer of the Technology Bank and shall have overall responsibility for the direction, organization, administration and programmes of the Technology Bank, in accordance with principles, policies and decisions adopted by the Council;

(d) The Managing Director shall, inter alia:

(i) Submit the multi-year strategic plan, the annual programme of work and the budget estimates of the Technology Bank to the Council for its consideration and approval;

(ii) Direct the activities connected with the execution of the programme of work and authorize the expenditures provided in the budget approved by the Council;

(iii) Appoint and direct the personnel of the Technology Bank in accordance with United Nations regulations, rules and procedures and any additional procedures approved by the Council, so as to ensure the highest standards of efficiency, competence and integrity;

(iv) Convene, in consultation with the Council, such advisory groups as may be necessary, including, where appropriate, representatives of interested United Nations organs and agencies, and of public and private organizations whose activities are related to those of the Technology Bank;

(v) Promote the mobilization of voluntary contributions in accordance with article 8 and make arrangements with Governments and international, as well as national, public and private organizations, with a view to offering and receiving services related to the objectives and activities of the Technology Bank;

(vi) After consultation with the Council and subject to the provisions set out in article 8 below, accept, on behalf of the Technology Bank, voluntary contributions to the Technology Bank from Governments, international and national organizations, foundations and other non-governmental sources, for all purposes related to the activities of the Technology Bank;

(vii) Coordinate the work programme of the Technology Bank with the relevant activities of the United Nations system, including the technology facilitation mechanism, and of other relevant international and regional organizations;

(viii) Ensure monitoring and assessment, including independent evaluation, of the activities of the Technology Bank and the execution of its work programme and strategic plan as directed by the Council and report to the Council thereon;

(ix) Provide the necessary services to the Council.

Article 7
Personnel

(a) The personnel of the Technology Bank shall consist of the Managing Director, such other staff as the Managing Director may appoint under the authority of the Secretary-General and other personnel as the Managing Director may determine as required for the effective and efficient functioning of the Technology Bank;

(b) The Managing Director and staff of the Technology Bank shall be appointed under the Staff Regulations and Rules of the United Nations. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. The services of any other personnel required by the Managing Director shall be retained in accordance with United Nations policies and procedures for the retention of the services of persons other than staff.

Article 8
Capital and recurrent costs

(a) Capital costs and recurrent costs of the Technology Bank shall be met from voluntary contributions made by:

(i) Governmental or public sources, United Nations system organizations and other international and regional organizations;

(ii) Non-governmental sources, including foundations, private sector entities and individuals;

(b) The Technology Bank shall be able to receive assistance and contributions for its activities, including with respect to staff matters, from the Secretariat of the United Nations, the specialized agencies, regional intergovernmental organizations and national authorities, as well as non-governmental entities, including research institutions and foundations. Such assistance may include making available to the Technology Bank experts, on a non-reimbursable loan arrangement made in agreement with, and serving under the direction of, the Managing Director of the Technology Bank;

(c) Contributions that may directly or indirectly involve a financial liability for the Technology Bank or that involve a new activity not yet included in its work programme may be accepted only with the approval of the Council;

(d) The funds of the Technology Bank shall be kept in a trust fund to be established by the Secretary-General of the United Nations in accordance with the Financial Regulations and Rules of the United Nations;

(e) The funds of the Technology Bank shall be held and administered solely for the purposes of the Technology Bank. The Secretary-General of the United Nations shall perform all necessary financial and accounting functions for the Technology Bank, including the custody of its funds, and shall prepare and certify the annual accounts of the Technology Bank;

(f) The Financial Regulations and Rules of the United Nations shall apply to the financial operations of the Technology Bank subject to such special rules and procedures as the Managing Director, in agreement with the Secretary-General, may issue after consultations with the Council and with the Advisory Committee on Administrative and Budgetary Questions of the United Nations;

(g) The Managing Director shall prepare the budget estimates for the Technology Bank in a manner consistent with the United Nations regulations, rules, policies and procedures. The estimates, together with the comments and recommendations thereon of the Advisory Committee on Administrative and Budgetary Questions, shall be submitted to the Council for approval. The budget, as approved by the Council, shall be transmitted to the General Assembly together with the report of the Council;

(h) Funds administered by and for the Technology Bank shall, as provided in the Financial Regulations and Rules of the United Nations, be subject to audit by the United Nations Board of Auditors. The general administrative, personnel and financial services of the United Nations may be utilized by the Technology Bank on conditions determined in consultation between the Secretary-General and the

Managing Director with no extra cost incurred to the regular budget of the United Nations.

Article 9
Status and authority

As a subsidiary organ of the General Assembly, the Technology Bank:

(a) Shall enjoy the status, privileges and immunities provided in Articles 104 and 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 and other international agreements and United Nations resolutions relating to the status, privileges and immunities of the United Nations;

(b) May acquire and dispose of real and personal property and may take other legal actions necessary to the performance of its functions, in accordance with the rules, regulations and practice of the United Nations;

(c) May enter into agreements, contracts or arrangements with Governments, organizations, institutions, firms or individuals for the purpose of carrying out its activities, in accordance with the rules, regulations and practice of the United Nations.

Article 10
Amendments

(a) Amendments to this Charter may be made by the General Assembly of the United Nations;

(b) Amendments may be proposed by the Secretary-General of the United Nations at the request of or after consultation with the Council.